

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

2004-01-09 PM 3:04

RICHARD M. KNOTH, *et al.*

) CASE NO.

Plaintiffs,

) JUDGE

v.

) **1 : 04CV0045**  
**JUDGE POLSTER**

KELLER LADDERS, INC. aka  
KLI, INC., *et al.*

) NOTICE OF REMOVAL

Defendants.

) (28 U.S.C. §1446)

Defendants, Jacuzzi Brands, Inc. and Keller Ladders, Inc. now known as KLI, INC.\* , by and through its undersigned attorney, hereby gives notice of the removal of this action to the United States District Court for the Northern District of Ohio, Eastern Division, from the Court of Common Pleas of Cuyahoga County, Ohio, on the following grounds.

1. On December 16, 2003, defendant Jacuzzi Brands, Inc. accepted certified mail service, thus commencing an action against it in the Court of Common Pleas of Cuyahoga County, Ohio. A copy of the summons and Complaint is attached as Exhibit A. According to the docket of the Court of Common Pleas of Cuyahoga County, a copy of which is attached hereto as Exhibit B, defendant Werner Co., a/k/a/ Werner Ladder Co. and R.D. Werner Company, Inc. was served with summons and complaint on December 15, 2003. No services had been had as yet on KLI, INC. f/k/a Keller Ladders, Inc.
2. This action is a civil action of which this court has jurisdiction founded on diversity of citizenship and amount under 28 U.S.C. §§1332, 1441 and 1446 in that plaintiff's are citizens of the States of Ohio. Defendant Jacuzzi Brands, Inc. is a corporation incorporated under the laws of the State of Delaware having its principal place of business in the State of Florida; defendant KLI, INC., f/k/a Keller Ladders, Inc., is a corporation incorporated under the laws of the State of Delaware having its principal

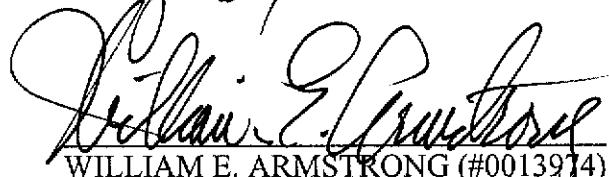
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\* Appearng specially solely for the purpose of joining in the Notice of Removal and without waiving any defenses of lack or failure of service or lack of personal jurisdiction.

place of business in Florida; and defendant Werner Co., a/k/a Werner Ladder Co. and R.D. Werner Company, Inc. is a corporation incorporated under the laws of the State of Pennsylvania having its principal place of business in Pennsylvania. Defendants reasonably believe based upon the Complaint that the amount in controversy exceeds the jurisdictional amount of \$75,000.00.

3. No further proceedings have been had in Cuyahoga County Common Pleas Court except for an Answer filed by defendant Werner Co. attached hereto as Exhibit C.
4. This Notice of Removal has been timely filed pursuant to 28 U.S.C. §1446(b), as it was filed within 30 days after the earliest service of the Summons and Complaint on the defendants.
5. Counsel for defendant Werner Co. consents to the removal of the case to Federal Court.
6. Written notice will be given to the plaintiffs for the filing of the Notice and copy of the Notice will be filed with the Clerk of Courts of Cuyahoga County Common Pleas Court, Ohio.

WHEREFORE, defendants Jacuzzi Brands, Inc. and KLI, INC. provide notice that the above action pending against them is being removed from the Court of Common Pleas of Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division this 21 day of January, 2004.



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Attorney for defendant Jacuzzi Brands, Inc.  
f/k/a U.S. Industries, Inc. and KLI, INC.,  
f/k/a Keller Ladders, Inc.

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent by regular U.S. Mail this 9<sup>th</sup> day of January, 2004 to David H. Wallace, Attorney for Plaintiff, 3500 BP Tower, 200 Public Square, Cleveland, Ohio 44114 and Dale Markworth, Attorney for Werner Co., 55 Public Square, Suite 2150, Cleveland, Ohio 44113.



WILLIAM E. ARMSTRONG (#0013974)

6002-7/Notice of Removal